

Fiscal Note

Fiscal Services Division



HF 557 – Law Enforcement Equipment Removal, Criminal Penalty (LSB 1927HV)
Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)
Fiscal Note Version – New
Requested by Representative Bob M. Kressig

Description

House File 557 amends **Iowa Code chapter 708** (Assault) to create a new offense, removal of a peace officer's communication device, and provides a Class "D" forcible felony penalty for the offense.

Background

Correctional and Fiscal Information

- The new offense defines "officer" as a reserve peace officer, a jailer, a correctional officer, or a peace officer as defined in **Iowa Code section 801.4**.
- The impact of the new offense, removal of an officer's communication or control device, cannot be estimated due to a lack of data.
- The State prison population is 8,190 offenders on March 13, 2013, or 113.6% of capacity.
- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division (CJJPD), the State Court Administrator's Office, State Public Defender's Office, and the Department of Corrections, the following are estimates for sentencing, length of stay under correctional supervision, and costs for a Class "D" forcible felony.

Criminal Justice System Information

	Court Costs per Case for Trial By Jury	Indigent Defense Cost per Case	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Avg Length of Stay on Parole	Average Cost per Day for Parole
Forcible Felony							
Class "D" Felony	\$3,000	\$1,200	100.0%	21.5 months	\$17.60	12.5 months	\$3.66

Minority Data Information

The minority impact cannot be estimated due to a lack of data. Refer to the **Minority Impact Memo** dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- The new offense has a broad definition of "officer." The crime may be similar to the crime of disarming or attempting to disarm a peace officer of a dangerous weapon as defined in **Iowa Code section 708.13(2)**. If so, there were five convictions for that offense in FY 2012. Given the broad nature of the definition of "officer," it is not possible to estimate if there will be more or fewer convictions under this Bill's provisions as compared to disarming or attempting to disarm a peace officer of a dangerous weapon.

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of the Bill to the date of first entry of affected offenders into the correctional system.
- These will be jury trials and the defendants will be indigent.

Minority Data Information

The minority impact of the new crime cannot be estimated due to a lack of data. The crime may be similar to the crime of disarming or attempting to disarm a peace officer of a Dangerous weapon as defined in [Iowa Code section 708.13\(2\)](#). If so, then 40.0% of the FY 2012 convicted offenders were Black and 60.0% were White. There may be a minority impact associated with the new crime created in this Bill.

Summary of Impacts

Correctional Impact: The correctional impact cannot be estimated but may be significant due to the mandatory term of a State prison sentence of at least one year.

Minority Impact: The minority impact cannot be estimated but may be significant.

Fiscal Impact: The impact to the State General Fund is an additional cost of approximately \$17,100 for one Class “D” forcible felony conviction. Costs will be incurred across multiple fiscal years while the offender is supervised in the State prison and parole system. The table below shows the impact by areas within the criminal justice system.

	General Fund
State Prison	\$ 11,500
CBC	1,400
Judicial Branch	3,000
Indigent Defense	1,200
Total	<u>\$ 17,100</u>

Sources

Criminal and Juvenile Justice Planning Division
Office of the State Court Administrator
Office of the State Public Defender
Department of Corrections

/s/ Holly M. Lyons

March 20, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
